

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MOHAMMAD KHALID,

Plaintiff,

v.

**1:09-CV-96
(FJS)**

**UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES; T. DIANE
CEJKA, Director, The National Records
Center, USCIS; SARAH TAYLOR,
USCIS, Acting District Director of Washington;
MICHAEL CHERTOFF, Secretary,
Department of Homeland Security; and
MICHAEL MUKASEY, Attorney General,
Department of Justice,**

Defendants.

APPEARANCES

OF COUNSEL

**PAUL SHEARMAN ALLEN
& ASSOCIATES**
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Attorneys for Plaintiff

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MICHELLE BENITEZ, ESQ.**

**OFFICE OF THE UNITED
STATES ATTORNEY**
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Attorneys for Defendants

GABRIEL R. MARTINEZ, AUSA

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this action against Defendants under the Freedom of Information Act ("FOIA"), seeking all records in his alien file, which he argued he needed to assist him in an

underlying immigration matter. *See generally* Complaint. On July 23, 2009, Defendants filed a motion to dismiss the complaint against the individual Defendants on the ground that the Court lacked subject matter jurisdiction to hear FOIA claims against federal officers. *See* Dkt. No. 7. In addition, Defendants moved for summary judgment on the grounds that Defendant United States Citizenship and Immigration Services ("USCIS") conducted an adequate search for records responsive to Plaintiff's request, processed the records that Defendant USCIS located in accordance with the governing law and released to Plaintiff all responsive records, or portions thereof, to which he was entitled. *See id.* On August 20, 2009, Plaintiff filed papers in opposition to this motion. *See* Dkt. No. 8. On September 10, 2009, Defendants filed reply papers in response to Plaintiff's opposition and in further support of their motion. *See* Dkt. No. 9.

On July 22, 2011, the Court held an in-person status conference with counsel to determine which pages were still in dispute. At the conclusion of that conference, the Court directed Defendant to provide the disputed pages to the Court for its *in camera* review. *See* Minute Entry dated July 22, 2011. On August 17, 2011, Defendants submitted the disputed pages. *See* Dkt. No. 18.

Having reviewed the disputed pages, the Court hereby

ORDERS that Defendants' motion to dismiss Plaintiff's FOIA claims against the individual Defendants is **GRANTED**;¹ and the Court further

ORDERS that Defendants' motion summary judgment is **GRANTED in part** and **DENIED in part**; and the Court further

¹ The Court lacks jurisdiction to adjudicate FOIA claims against individual defendants even if the plaintiff names such individuals in their official capacity. *See Santini v. Taylor*, 555 F. Supp. 2d 181, 183-84 (D.D.C. 2008) (citations omitted).

ORDERS that Defendant USCIS properly withheld the following pages: **#272, #286, #287, #296-297, #311-314, #318, #319, #320-322, #324, #334-335, #344-345, #348-351, and #389-390**; and the Court further

ORDERS that, after redacting employee identification numbers pursuant to Exemption (b)(7)(C), Defendant USCIS shall release the remainder of **page #17** to Plaintiff; and the Court further

ORDERS that Defendant USCIS shall release the following pages in their entirety to Plaintiff: **#23-24; #209, #327, #357-358, and #381**; and the Court further

ORDERS that, after redacting employee identification numbers pursuant to Exemption (b)(6), Defendant USCIS shall release the remainder of pages **#189 and #202**; and the Court further

ORDERS that, after redacting any personal information that identifies the third person, Defendant USCIS shall release the remainder of **page #274**; and the Court further

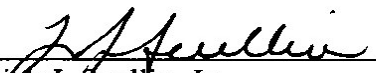
ORDERS that, after redacting the alien registration numbers of third parties, Defendant USCIS shall release the remainder of **pages #355-356**; and the Court further

ORDERS that, after redacting the type-written comment at the bottom of this form, Defendant USCIS shall release the remainder of **page #378**; and the Court further

ORDERS that Defendant USCIS properly withheld the redacted portions of **pages #229-233** pursuant to Exemption (b)(6).

IT IS SO ORDERED.

Dated: August 31, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge